



# *Appointments and Briefings*

April 14, 2015 – 7:02 PM – **Minutes**  
Chambers of the City Council, Room 214

**MEETING: COMMITTEE ON APPOINTMENTS & BRIEFINGS**

**DATE: APRIL 14, 2015**

**TIME: 7:02 P.M.**

**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS DAVID ALVES, CHAIRMAN; DEBORA COELHO, VICE-CHAIRPERSON; NAOMI CARNEY (7:05); JOSEPH LOPES; STEVEN MARTINS (7:04); LINDA MORAD (7:04); JAMES OLIVEIRA; DANA REBEIRO; KERRY WINTERSON**

**ABSENT: COUNCILLORS HENRY BOUSQUET; BRIAN GOMES**

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Councillor Alves called the Appointments & Briefings meeting to order and took attendance. The Clerk announced that he received phone calls from Councillors Martins and Carney stating they would be late in attending tonight's meeting. The Clerk read Communications from Councillors Gomes and Morad stating they would be late in attending tonight's meeting and from Councillor Bousquet stating he was unable to attend tonight's meeting. These communications were received and placed on file by Councillor Lopes and seconded by Councillor Oliveira.

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Councillor Alves announced the start of Citizen's Input Time, not to exceed the first half hour of this meeting. The two speakers scheduled to speak were as follows:

James Openshaw of 14 Columbia Street, New Bedford, was recognized and spoke about school buses not picking up students at their scheduled times. (1a)

Diane Bolton of 49 Orchard Street, New Bedford, was recognized and spoke to the Committee on the plight of New Bedford babies' hot lining. Ms. Bolton provided a copy of her speech, which was received and placed on file by Councillor Lopes and seconded by Councillor Winteron. (1b)

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Notice, City Clerk of reference of a Communication, City Clerk/Clerk of the City Council, to City Council, on behalf of **ZHANAR ALIKEYEV, d/b/a ALI TRANSPORTATION, 1261 Church**

**Street, Apt. 33, New Bedford, MA 02745**, hereby submit a copy of the Application requesting a **NEW Private Livery License**, under the provisions of M.G.L. Chapter 159A, Section 1 and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford (Ref'd 03/12/15) was received and placed on file by Councillor Martins and seconded by Councillor Lopes. (2)

Councillor Carney asked Zhanar Alikeyev how many vehicles he would be using, to which he responded he would be using one vehicle. This vehicle would be purchased if the application is approved, it would more than likely be a sedan that would seat three people.

Councillor Morad asked Mr. Alikeyev what he does now as a job. He stated he is a driver for UBER, an independent livery company. He will have one vehicle in the neighborhood; it will be a sedan type of vehicle and would be working during the day.

Councillor Lopes asked Mr. Alikeyev if it was an independent UBER business or will he be working for an organization such as the one operating the City of Brockton. Mr. Alikeyev responded that he would be independently employed and will not be associated with any other UBER program.

On motion by Councillor Morad and seconded by Councillor Winterson, the Committee VOTED: To recommend to the City Council **APPROVAL** on behalf of **ZHANAR ALIKEYEV, d/b/a ALI TRANSPORTATION, 1261 Church Street, Apt. 33, New Bedford, MA 02745**, of the APPLICATION, requesting a **NEW Private Livery License**, under the provisions of M.G.L. Chapter 159A, Section 1 and amendments thereto, and M.G.L. Chapter 270, Section 22 (Smoke Free Workplace Law) and all other laws applicable to such operation, to carry passengers for hire over the streets of New Bedford. This motion PASSED on a voice vote.

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Notice, City Clerk of reference of a Communication, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JANINE DASILVA, New Bedford, MA, 02740, to the HISTORICAL COMMISSION, replacing Jennifer Nersesian; this term will expire March 2018 (Ref'd 03/26/15) was received and placed on file by Councillor Lopes and seconded by Councillor Coelho. (3)

The Chair recognized Janine Da Silva of 951 Rockdale Avenue, New Bedford, Ma, she informed the Committee of her qualifications. She works for the National Park as a Cultural Specialist and has worked with the Massachusetts Commission for five years and she believes that experience will help her provide insight as it applies to the duties of the Historical Commission.

Councillor Morad asked Ms. Da Silva if she is still on the Planning Board, to which she replied that she has resigned from the Planning Board.

On motion by Councillor Lopes and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council **APPROVAL** of the APPOINTMENT of JANINE DASILVA, New

Bedford, MA, 02740 to the HISTORICAL COMMISSION, replacing Jennifer Nersesian; this term will expire; March 2018. This motion PASSED on a voice vote.

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Notice, City Clerk of reference of a Communication, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MEGHAN KISH, New Bedford, MA, 02740, to the HISTORICAL COMMISSION, as an Alternate Member, replacing Jennifer White Gonsalves Smith whose term has expired; this term will expire March 2018 (Ref'd 03/26/15) was received and placed on file by Councillor Morad and seconded by Councillor Winterson. (4)

The Chair asked if Ms. Kish was present, and she was not.

On motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Communication, Mayor Mitchell, to City Council, submitting the APPOINTMENT of JENNIFER CLARKE, New Bedford, MA, 02740, to the HISTORICAL COMMISSION, as an Alternative Member, replacing Anne Louro; this term with expire March 2018 (Ref'd 03/26/15) was received and placed on file by Councillor Morad and seconded by Councillor Lopes. (5)

The Chair asked if Ms. Clarke was present, and she was not.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Lopes, Martins, Winterson, Oliveira, Bousquet, Rebeiro, Coelho, Alves, Carney, Morad and Council President Gomes, requesting that Ms. Sandra Vezina, the Acting Personnel Director meet with a Representative from New York Life Insurance to discuss the implementation of a voluntary Payroll Deduction program for employees of the City of New Bedford (Ref'd 04/14/15) was received and placed on file by Councillor Lopes and seconded by Councillor Morad. (6)

A Communication was read into the record from Acting Personnel Director Sandra Vezina on April 6, 2015; this communication was received and placed on file by Councillor Morad and seconded by Councillor Lopes.

Councillor Lopes asked Acting Director of Personnel Ms. Vezina that with the advent of new technology why employees are not able to opt for more than one payroll deduction for programs such as AFLAC. Ms. Vezina informed the Committee that the way that she understands it for payroll deductions to take place it includes four departments MIS, Auditors, Treasurers and Personnel. She explained that there is a cost for the wire transfers for all of the vendors and that they try to do them in a timely, orderly and most cost-effective fashion.

Councillor Lopes said that he believes that employees should be able to use financial programs such as AFLAC and make independent choices on their own. He said more organizations similar to AFLAC should be made available as a saving tool for the employees of the City of New Bedford, especially since we are modernizing our system.

Ms. Vezina responded that it may well be the new system will help the process along as far as selection of financial programs. She will need to check with MIS to see if this is possible as well as the other departments.

Councillor Oliveira asked if they had a timeline for when the checks would go bi-weekly.

Ms. Vezina responded that it would take approximately ninety (90) days to go officially into effect; that they have to notify more than one department of the process. All employees would be notified as to when it will officially happen.

The Chair recognized Veronica Gomes of 362 Raymond Street, New Bedford, a representative of New York Life Insurance.

Councillor Lopes asked Ms. Gomes if her company was offering similar financial programs /payroll deduction programs to any surrounding communities without issue. Ms. Gomes responded yes, that they are currently using a similar program in the Town of Fairhaven.

On motion by Councillor Lopes and seconded by Councillor Winterson, the Committee VOTED: To table this matter for thirty (30) days pending a reply from Personnel as to whether or not they are able to allow for other financial institutions to be added to the payroll program for city employees. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Winterson, requesting that the Committee on Appointments & Briefings meet to discuss the golf course contract and review of detailed expenditures on the roof installation and additional works needed at the golf course (Ref'd from Finance 12/15/14) was received and placed on file by Councillor Lopes and seconded by Councillor Winterson.  
(7)

Present on this matter were Assistant City Solicitor John Markey and Department of Public Facilities Commissioner Ken Blanchard.

Councillor Winterson spoke on the developments at the golf course. Developments are for the better of the golf course and he has been speaking with Attorney Markey and Commissioner Blanchard.

Attorney Markey gave an overview of the betterments and improvements at the golf course. He explained that capital improvements would be the responsibility of the city and non-capital improvements should be the responsibility of the Johnson Company. He explained that when the city entered into this contract almost 15 years ago, the golf course was in need of anywhere between two and five million dollars in upgrades. The city could not afford that at the time and entered into an agreement with Johnson Golf and that the repairs to the golf course were a part of that lease agreement. It was an extended lease agreement good for thirty (30) years. He did explain that it has been a contentious relationship between the Organizations, unfortunately and sadly the owner that they were dealing with has since passed away; however, the son-in-law has taken over and is much more open to discussions as it relates to the golf course. This has improved the relationship between both parties.

Councillor Alves asked if the Johnson Company is current in their payments to the city. Attorney Markey responded that the payments were current since the last trial date; right now, there are issues before an Appeals Court so those payments are being held in escrow by the Johnson Company pending the outcome or decision by the Court. They do not expect a ruling this year.

Councillor Morad asked if we were eleven (11) years into the contract, to which Attorney Markey answered that we are more than eleven (11) years, we are about thirteen (13) to fourteen (14) years into the contract. As of January 1, 2015, the buyout would be anywhere between 2.1 and 2.5 million dollars. The buyout figure reduces by approximately \$200,000 a year. In the twenty-fifth year however, we do have the ability to buy back the contract for one dollar.

Councillor Carney asked what the overage is, and Attorney Markey replied, off the top of his head, anywhere between \$180 and \$200,000.

Councillor Carney asked if the Johnson Company owes us the annual fee and the water; and Attorney Markey answered yes, the fee issue was a bit contentious but it was found in our favor and we are being paid for water usage.

Councillor Morad asked Ken Blanchard if the roof was competed and did it cost \$95,000, to which he answered the cost to replace the roof was between 92 and 93 thousand dollars. It is a solid roof and he is pleased with the job.

Councillor Morad asked if there were any other capital improvements they would be looking at and Commissioner Blanchard said he was looking into replacing the carpet as it needs to be replaced and to put tile around the bar area of the clubhouse, if funds allow. He may have enough in the 2015 account to do this; he estimated the flooring to be around \$17,000 to complete.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED: To take “No Further Action” on this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Oliveira, Alves, Bousquet, Lopes, Winterson, Martins, Morad, Council President Gomes, Coelho, Rebeiro and Carney, requesting that Pat O’Conner, owner of the New Bedford Bay Sox be invited to a Committee on Appointments and Briefings meeting to inform the Council of the New Bedford Bay Sox challenges and opportunities in the upcoming 2015 season, and to support the team and keep them in the City of New Bedford in future years to come (Ref’d 01/08/15) was received and placed on file by Councillor Lopes and seconded by Councillor Morad. (8)

Present on this item was Mr. Pat O’Connor, New Bedford Bay Sox President, Mr. Mike Friar, in charge of Baseball Operations and Mr. Ray Shaw, Director of Marketing.

Mr. O’Connor provided a packet to the Committee with information as it relates to the Bay Sox Program. This packet was received and placed on file by Councillor Martins and seconded by Councillor Rebeiro. Mr. O’Connor gave an overview of the 2015 program. The Committee through the printed out Power Point presentation explaining what the organization is about and gave an overview of their success stories which included ballplayers that have gone on to play in the major leagues.

Mr. O’Connor expressed the following challenges that the organization is facing today: Achieving higher attendance; Growing business and community partnerships; Recruiting host families; Developing a strategic plan for a ballpark beyond 2015.

Mr. O’Connor explained that most of the ballparks within this program have an alcohol license as a way of revenue so they are looking for a new location that would allow them to play ball but also have a full concession. Right now the way that it is written you are unable to sell alcohol under State Law on School property.

Councillor Carney praised the program.

Councillor Winterson spoke of his love for the program and appreciated their community outreach.

Councillor Alves asked Attorney Markey if a Home Rule Petition for permission to sell alcohol on School property would be possible. Attorney Markey said he would need to look into that and he also knows that the City Solicitor is looking into it as well; but he feels that the Alcohol Beverage Commission has instituted these rules State wide and he does not know if a Home Rule Petition would circumvent the ABC rules.

Councillor Lopes praised the program and voiced his concerns of selling liquor on School property and that would he would be against granting such a liquor license.

Councillor Coelho expressed her excitement about the Bay Sox and she asked more about the host family program.

Mr. O'Connor explained to the Committee about the host family program, which runs from the end of May until the middle of August. What they are looking for is a family that has a room with a bed, washer and dryer so the players can wash their uniforms. The team feeds the players so it would not be a burden to the host families. Most of the team players have cars so they are responsible for carpooling with other players who do not have vehicles for practice and games. A host family receives season passed for the whole family, and they are invited to a banquet that is provided each year courtesy of the La France Corporation. If anyone is interested in becoming a Host Family they can call 855 BaySox1 (855-229-7691) or email [info@nbbaysox.com](mailto:info@nbbaysox.com).

On motion by Councillor Oliveira and seconded by Councillor Winterson, the Committee VOTED: To recommend to the City Council to endorse the 2015 Bay Sox Season and encourage the city and surrounding communities to support the team this year by attending games, hosting players and participating in the development of its strategic plan for 2016 and beyond and to encourage the Mayor to support this great summer activity for the residents of the City of New Bedford. This motion passed on a Roll Call Vote of Yeas 9, Nays 0.

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Notice, City Clerk of reference of a Written Motion, Council President Lopes, Councillors Winterson and Gomes, requesting that the Committee on Appointments and Briefings review 501 Code of Massachusetts Regulations (CMR) Executive Office of Public Safety and Security, to allow for the establishment of the New Bedford Harbor Master under the New Bedford Police Department, and allow for the duties and responsibilities of the New Bedford Harbor Master to follow under the direction of the New Bedford Police Department's Port Security Unit, said consolidation will ensure the continuity in the Chief Law Enforcement entity in the City, under the control and authority of the Chief of Police. (Ref'd 10/23/14, 11/18/14 – 11/18/14 - tabled) (9)

On motion by Councillor Lopes and seconded by Councillor Coelho, the Committee VOTED: To keep this matter on the table. This motion passed on a voice vote.

Councillor Lopes made a motion to adjourn, which was seconded by Councillor Winterson.

This meeting adjourned @ 8:27 p.m.

ATTEST:

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Clerk of Committees